

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CD REISS,

Plaintiff,

v.

AUDIBLE, INC.

Defendant.

Case No. 1:24-cv-05923-JLR

JOINT STIPULATION AND
~~[PROPOSED]~~ ORDER REGARDING
DISCOVERY STAY

1. WHEREAS, Plaintiff filed a complaint in this matter on June 13, 2024;
2. WHEREAS, Audible Inc., moved to dismiss the complaint on September 16, 2024;
3. WHEREAS, the Parties agree that discovery in this proceeding shall be stayed pending decision on the motion to dismiss, with the exception of the following:
 - a. Each Party may serve one set of requests for production and the opposing Party shall provide written objections and responses to those requests (but not documents);
 - b. The Parties shall negotiate a protective order and ESI protocol (and any other attendant documents as the Parties may see fit, *e.g.*, an expert stipulation);
 - c. The Parties will meet and confer regarding custodians and search terms;
 - d. The Parties will meet and confer regarding the terms of data productions;
 - e. Plaintiff has served document subpoenas (primarily for document preservation purposes) on the Big Five publishers (Hachette Book Group, HarperCollins

Publishers, Macmillan Publishers, Penguin Random house, Simon & Schuster); the

Parties reserve the right to serve other subpoenas when discovery expands¹;

- f. Audible will conduct a reasonable search for and produce the following categories of documents from 2020-present:
 - i. Audible employee organizational charts from “phone tool”;
 - ii. Contracts between Apple and Audible concerning the distribution or sale of Audiobooks;
 - iii. Documents sufficient to show rates for audiobook distribution on Audible for independent authors on ACX;
 - iv. Standard author contracts for independent authors on ACX; and
 - v. New rates and standard contracts related to independent authors on ACX when they become available in late 2024 / early 2025;
 - g. Plaintiff will produce the following categories of documents from 2020-present:
 - i. Audiobook distribution contracts;
 - ii. Contracts with publishers; and
 - iii. Contracts with producers (including narrators and studios) regarding audiobook production;
4. WHEREAS, nothing in this stipulation changes the Parties’ obligations to preserve appropriate materials;
5. WHEREAS, if there is no decision on the motion to dismiss by August 1, 2025, the Parties will meet and confer to discuss the continuation of the stay of discovery.

¹ This includes a subpoena on the original defendant, Amazon.com, Inc., who is currently meeting and conferring with Plaintiff regarding the preservation of information.

IT IS SO STIPULATED.

Dated: November 12, 2024

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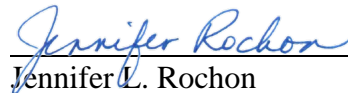
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STAYING DISCOVERY
~~PROPOSED~~ ORDER SETTING
MOTION TO DISMISS BRIEFING
SCHEDULE

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Discovery in this case is partially stayed, as described in the Parties' stipulation, pending the Court's resolution of Audible, Inc.'s Motion to Dismiss.

Dated: November 13, 2024



Jennifer L. Rochon
United States District Judge